


1103326-0203 CONIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Lundberg et al.
Serial No. : 10/693,317
Filed : October 23, 2003
For : NEW PHARMACEUTICAL FORMULATION
AND PROCESS
Examiner : Sheikh, Humera N.
Group Art Unit : 1615

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CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. 1.8	
I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on February 15, 2007 at the facsimile number 571-273-8300.	
John M. Genova	32,224
Attorney Name	PTO Reg. No.
	February 15, 2007
Signature	Date of Signature

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Pages: 2

Petition for Suspension of Prosecution under 37 C.F.R. §1.103

Sir:

A suspension of action was granted for six (6) months from the mail date (September 15, 2006) of the decision granting the suspension in the referenced application. The six-month suspension expires March 15, 2007.

Applicants petition herewith for a second six-month extension for the same reasons that the first petition was granted. Specifically, there has been no change in the status quo since the first petition: (1) there is no outstanding Office action requiring a reply, and (2) no decision has been made in the appeal (Astra Aktiebolag v. Andrx Pharma. Nos. 04-1562, -1563, -1589) pending before the Court of Appeals for the Federal Circuit, the disposition of which appeal is pertinent to the referenced application. A detailed explanation of the relevance of the appeal to

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the examination of the referenced application is provided in Applicants' Request for Reconsideration, filed July 21, 2006.

In view of the totality of circumstances which have not changed, it behooves the Office and Applicants in their shared public duty to ensure the issuance of valid patents to await an outcome of the appeal before proceeding with the prosecution of the subject application. Waiting for an outcome of the appeal will enable the Office and Applicants to make an informed decision regarding the expenditure of their respective resources before resuming prosecution.

Therefore, it is respectfully submitted that this second petition satisfies the threshold for good and sufficient cause as required by 37 C.F.R. §1.103 for the same reasons that the first petition was granted. Accordingly, a second six-month extension is requested.

Authorization is given to charge the fee \$200.00 set forth in 37 C.F.R. §1.17(g) to Deposit Account No. 23-1703.

Dated: February 15, 2007

Respectfully submitted,



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